

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BANK OF NEW YORK MELLON, as Trustee  
for Amortizing Residential Collateral Trust,  
2002-BC1,

Plaintiff,

v.

DONNA T. KIRKPATRICK and GENE  
TEUFERT,

Defendants.

Case No. 11-cv-62-JPG-DGW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Notice of Dismissal (Doc. 18) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by the plaintiff. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. Neither defendant has served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to close this case.

**IT IS SO ORDERED.**

**DATED: September 27, 2011**

s/ J. Phil Gilbert

**J. PHIL GILBERT**  
**DISTRICT JUDGE**